

Paul Meyer

From: Natalie McGillen
Sent: Friday, January 30, 2015 11:51 AM
To: Paul Meyer
Cc: Jodi Daly; Diane Conti
Subject: FW: Invoices

From: Maffei, Mollie [mailto:mmaffei@bsb.mt.gov]
Sent: Wednesday, January 14, 2015 12:01 PM
To: Kathy Dunks; Sydney Erickson; Alt, Debbie
Cc: Joyce, Eileen; Gleason, Danette; Natalie McGillen; Diane Mohr
Subject: RE: Invoices

Good Morning. The statute cited below which I have highlighted is controlling. The Judges' orders do not obligate the county to pay costs of treatment and custody after commitment. The Court, when ordering community commitments, is doing so after testimony and at the recommendation of WMMHC. I did speak to Judge Newman but did not have a chance to speak to Judge Krueger.

I do not believe the Judges would be inclined to make an order contrary to Montana Law.

53-21-152 should be of help to you, it provides:

53-21-152. Department funding responsibility. The department shall develop a separate funding category and procedure for payment for services that are court-ordered for a commitment to a community facility or program or course of treatment. However, nothing in this chapter obligates the department to pay for services ordered under 53-21-127 unless the respondent is **eligible for mental health services under the public mental health system funded by the department, the service is one that the department has included in its mental health program, and the department determines that the mental health service is medically necessary for the respondent.**

I would think the State of Montana Department of Health and Human Services would be funding these commitments pursuant to the above statute. Certainly community commitments are less expensive than a commitment to the State Hospital. This statutory scheme was partly developed to relieve the county from extensive burdens post commitment.

Regards, Mollie

From: Kathy Dunks [mailto:kdunks@wmmhc.org]
Sent: Wednesday, January 14, 2015 10:43 AM
To: Maffei, Mollie; Sydney Erickson
Cc: Joyce, Eileen; Gleason, Danette; Natalie McGillen; Diane Mohr
Subject: RE: Invoices

We are respectfully asking the County Attorney to have a conversation with both Judge Newman and Judge Kruegar regarding the Community Commitments as their orders do read the County is responsible for the commitments. We do bill all third party insurances prior to billing the County and every attempt is made by WMMHC to have another payment source as we too are tax payers and realize the burden on the County dollars. Please know we did attempt to have conversations with the Judges regarding the additional costs to the County of BSB to no avail.

At this point we are frustrated as we were court ordered to provide this treatment to these consumers and assured we would be paid. The services were provided in good faith, and perhaps the Judges will need to change this process to a commitment at MSH instead of a Community Commitment at WMMHC Hays Morris House as we cannot experience these types of financial losses.

We will talk with the State and attempt to recoup our losses however it is questionable if we can be reimbursed. Kathy

From: Maffei, Mollie [mailto:mmaffei@bsb.mt.gov]

Sent: Wednesday, January 14, 2015 9:59 AM

To: Kathy Dunks; Sydney Erickson

Cc: Joyce, Eileen; Gleason, Danette

Subject: Invoices

Good morning the City-County has received an invoice for several commitments: [REDACTED] and [REDACTED]. However pursuant to Montana Law the City County is not responsible for post commitment costs. See 51-2-1132 (2)(b):

53-21-132. Cost of examination and commitment. (1) The cost of psychiatric precommitment examination, detention, treatment, and taking a person who is suffering from a mental disorder and who requires commitment to a mental health facility must be paid pursuant to subsection (2)(a). The sheriff must be allowed the actual expenses incurred in taking a committed person to the facility, as provided by 7-32-2144.

(2) (a) The costs of precommitment psychiatric detention, precommitment psychiatric examination, and precommitment psychiatric treatment of the respondent and any cost associated with testimony during an involuntary commitment proceeding by a professional person acting pursuant to 53-21-123 must be billed to the following entities in the listed order of priority:

- (i) the respondent, the parent or guardian of a respondent who is a minor, or the respondent's private insurance carrier, if any;
- (ii) a public assistance program, such as medicaid, for a qualifying respondent; or
- (iii) the county of residence of the respondent in an amount not to exceed the amount paid for the service by a public assistance program.

(b) **The county of residence is not required to pay costs of treatment and custody of the respondent after the respondent is committed pursuant to this part.** Precommitment costs related to the use of two-way electronic audio-video communication in the county of commitment must be paid by the county in which the person resides at the time that the person is committed. The costs of the use of two-way electronic audio-video communication from the state hospital for a patient who is under a voluntary or involuntary commitment to the state hospital must be paid by the state. The fact that a person is examined, hospitalized, or receives medical, psychological, or other mental health treatment pursuant to this part does not relieve a third party from a contractual obligation to pay for the cost of the examination, hospitalization, or treatment.

I assume the State of Montana should be billed. Invoice are dated 12/29/2014

Thank you,

Mollie Maffei, Deputy County Attorney

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